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PROBLEMS OF INTERNATIONAL PRACTICE AND DIPLOMACY, with special reference to the Hague conferences and other international agreements. By Sir Thomas Barclay. London: Sweet and Maxwell, Ltd. Boston: The Boston Book Company. 1907. pp. xix, 383. 8vo.

This volume was prepared largely to suggest to departments of state for foreign affairs matters in which international agreement might be possible and certainly valuable, and to suggest also the form they might take. As proper subjects for such agreements it discusses Declarations of War; Floating Mines and Mine Fields; Immunity of Private Property at Sea; Limitation of Area of Visit and Search; Exclusion of Specific Areas from Hostilities; Contraband of War; Destruction of Prizes; International Prize Court; Blockades; and others. The book falls into three divisions: one devoted to comments on the problems selected for presentation; one to suggested draft treaties and clauses for international agreements in respect to those problems; and the third, to copies of conventions, treaties, acts, and recommendations heretofore made bearing on similar problems.

Though the second Hague Convention did not dispose of most of the problems considered by Sir Thomas Barclay, this book, which was privately issued and furnished to the delegates, must have been of assistance to them in their labors, and for the very reason that the problems were not disposed of, it will, without doubt, be of aid to them and to others in future considerations of the same problems. The book is fruitful in suggestion, and contains a convenient and valuable collection of documents and drafts made with scholarly discrimination and at the same time with an eye to utility.

S. H. E. F.

THE LAW OF CRIMES AND CRIMINAL PROCEDURE. By Lewis Hockheimer. Second Edition. Baltimore: The Baltimore Book Company. 1904. pp. 566. 8vo.

The author states, in some 475 pages of text, the principal doctrines of criminal law and procedure, with their qualifications and exceptions. While the first edition, published in 1889, was designed merely to state the criminal law of Maryland, the present edition, with its revised and much enlarged text and fuller citations, is a more general treatise. What distinguishes the book is its comprehensiveness. Besides the treatment of procedure, with an excellent collection of forms, we find chapters on constitutional restraints and special proceedings. In order to get this matter into one volume with the substantive law, the author has often been forced to sacrifice any real discussion of theory and even adequate delineation and presentation of the different divisions of the subject, as, for example, in the summary treatment of "Intent." Also in his effort to secure brevity — which has undoubtedly "necessitated a much greater degree of care than would have been required for a more discursive work" — the author has been led into some generalizations that can hardly be supported. The statement, for instance, that insanity, to furnish a defense, must have stood in the relation of cause and effect to the crime, is at least misleading; and the attempt to define "malice aforethought" in two sentences is bold and hardly justified by the degree of success attained.

In the main the book is a concise, well-ordered statement of the results of a large and fairly representative body of cases. While it in no way pretends to the authoritativeness of Bishop and will, as a text-book, hardly stand with May, which has rather fuller discussion and more careful statement, as a handy reference volume it has a very distinct value.

A. A. B.

A MANUAL OF PUBLIC INTERNATIONAL LAW. By Thomas Alfred Walker. Cambridge: At the University Press. New York: G. P. Putnam's Sons. 1895. pp. xxviii, 244. 8vo.

Mr. Walker's aim was to furnish for students and others who desired some definite knowledge of international law a "text-book which, while excluding

unnecessary details and mere theoretical discussion, might well serve as a fairly comprehensive general introduction to detailed study of the subject." He succeeded admirably. Most books on international law, unfortunately, have not been written from the point of view of the lawyer, — a fact which is one of the strong grounds for the belief in many quarters that international law is not true law. Mr. Walker's book, however, is a lawyer's book, and is noteworthy for the manner and extent to which it refers to decisions of the courts of Great Britain and of the United States. The book is brief and at the same time comprehensive.

But in considering the present-day value of a manual of international law written thirteen years ago, it must be remembered that in the last decade events which make and modify the law of nations have followed one another in rapid succession. In that time the Spanish-American War, the South African War, and the Russo-Japanese War have been fought; the Republic of Panama and the Republic of Cuba have entered the family of nations; two Hague Conferences have been held, and a permanent arbitration tribunal has been established at the Hague. The law as to recognition of independence, intervention, declarations of war, beginning of hostilities, rights of neutrals, and contraband — vitally affected by the events just named — has undergone important changes. If the modifications thus required were made in a new edition with the same care and skill that Mr. Walker used in the present manual, the new edition could be recommended heartily.

S. H. E. F.

COLLECTIVE OWNERSHIP, otherwise than by Corporation or by Means of the Trust. By C. T. Carr. Cambridge: At the University Press. New York: G. P. Putnam's Sons. 1907. pp. xix, 118. 8vo.

The fact that this book is a Yorke Prize Essay will sufficiently inform the reader that it does not attempt to collect decisions for the benefit of the case hunter and hang them, as too often our American "text books" do, upon a frequently self-contradictory text. On the contrary the author has approached his task with philosophical methods, and squarely on a common law basis. The result is an admirable essay, very concisely dealing with the subject from analytical, expository, historical, and comparative points of view. Nor is the volume useful solely for its academic discussion. Though its size precludes a full treatise, the English lawyer may well find an answer in it to his question, and he will be aided in his search by a table of cases encouragingly long and by an index apparently excellent.

The author divides the cases that fall within the scope of the title into five classes: Man and Wife; Co-heirs; Joint Tenants; Tenants in Common; and Partners. There is also a useful chapter on the rights and remedies of co-owners *inter se*, and a final chapter on community ownership. The first topic, of Man and Wife, he treats in a comparative way, citing some very interesting German subtleties. He limits his discussion to Tenancy by Entireties, apparently for the reasons that the other topics that might have been dealt with are rather cases of successive than of collective ownership (a fact which may be open to some question), and that they would swell the work very greatly. To this subject of Tenancy by Entireties and to that of Joint Tenants — the most obscure of those he treats — the author devotes the larger relative amount of work.

In the chapter on Partners the discussion is practically limited to the support of the theory that partnership is a distinct variety of collective ownership, distinguished by the presence of agency, and not merely a subdivision of joint tenancy; and to the matter of the entity of the partnership — a subject on which we should have been glad to hear more. The first point seems sound, — for after all, classes are what we say they are, and, as is pointed out, the author's division is good, for partnership varies as much from the other forms under discussion as they do from one another. The more extended interest of the second point is lightly touched. In the last paragraph the author adopts "Professor Maitland's suggestion that it was a less extravagant fiction to call a